

Application № 10/675,489
Reply to Office Action of October 3, 2007

AMENDMENTS TO THE DRAWINGS

Twelve (12) replacement sheets of Figures 1-11 are attached following page 24 of this paper.

Fig. 1 has been amended to show the announcements 115 generated by the third (3rd) party media provider or broadcaster 106. See ¶ [37] of the present application. Fig. 2 has been amended to correct typos in steps 210 and 203. Figures 3-11 are being submitted as formal drawings. The Applicant submits that no new matter has been added by Replacement Sheets of Figures 1-11.

REMARKS / ARGUMENTS

The present application includes pending claims 1-31, all of which have been rejected. By this Amendment, claims 1-24, 26-28, and 30-31 have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

The drawings are objected to because "Remote Control 108", as disclosed in Paragraphs [31 and 32], is allegedly not shown in Figure 1. The specification is objected to as, allegedly, failing to provide proper antecedent basis for the claimed subject matter. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Proehl et al. (US Patent 6,990,676 81), hereinafter Proehl. The Applicant respectfully traverses these rejections at least based on the following remarks.

I. Drawings

The drawings are objected to because "Remote Control 108", as disclosed in Paragraphs [31 and 32], is allegedly not shown in Figure 1. The Applicant has amended paragraphs 31 and 32, as set forth above to correct typos in the designation of the remote controls 111 and 112 of Figure 1. The Applicant

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submits that no amendment to the drawings is now required and the objection should be withdrawn.

II. Specification

The Examiner states the following in the Office Action:

The specification does not distinctly define (as it appears in Paragraphs [08, 11, 26, and 89] of the specification and as claimed in Claims 2, 12, 22) a "function preformed at least in part outside the home."

See the Office Action at page 3. The Applicant has amended claims 1-24, 26-28, and 30-31, as set forth above, to overcome this objection. The Applicant submits that the objection to the specification is now moot and should be withdrawn.

The Examiner further states the following in the Office Action:

The specification does not distinctly define (as it appears in paragraphs [11 and 88] of the specification) the characteristics of each of the claimed processors of Claim 31 : "a media processing system processor, a media peripheral processor, a customized computer processor, a storage system processor and a customized computer executing media exchange software processor."

See the Office Action at pages 3-4. The Applicant respectfully disagrees and points out that the various types of processors stated in claim 31 are stated in paragraph [88] of the specification. In addition, the Applicant submits that it is known in the art what the terms "media peripheral", "computer", and a "storage

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“system” mean. Therefore, the Applicant submits that there is no need for further clarification of the terms “media peripheral processor”, “computer processor”, and a “storage system processor.” With regard to the terms “media processing system (MPS)” and “media exchange software (MES)”, the Applicant submits that the specification is sufficiently informative as to the meaning of these terms. For example, the Examiner is referred to Figures 1A-3 and the corresponding description in paragraphs 26-63 for additional information on what is meant by “media processing system (MPS)” and “media exchange software (MES)”. Obviously, a “media processing system (MPS) processor” and a “media exchange software (MES) processor” would be a processor that performs the functionalities of a “media processing system (MPS)” and a “media exchange software (MES)”, as already described in the specification.

The Applicant respectfully requests that the objections to the Specification be withdrawn.

REJECTION UNDER 35 U.S.C. § 102

III. Proehl Does Not Anticipate Claims 1-31

The Applicant first turns to the rejection of claims 1-31 under 35 U.S.C. 102(e) as being anticipated by Proehl. With regard to the anticipation rejections

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under 102(b), MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See *id.* (internal citation omitted).

A. Rejection of Independent Claims 1, 11, and 21

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Proehl does not disclose or suggest at least the limitation of “generating, remotely from a user's home, an announcement,” as recited by the Applicant in independent claim 1.

The Office Action states the following:

In reference to Claim 1, Proehl teaches a method for providing information related to a broadcast television program, the method comprising: generating an announcement (scrolling ticker region 566 of Figure 9 as described in Col 12 Lines 6-8); delivering said announcement along with the broadcast television program for display on a television screen within a home (picture-in-picture (PIP) region 569 of Figure 9 as described in Col 12 Lines 3-6); and receiving an input from a user that selects a function which corresponds to the delivered announcement (such as “Article Summary” icon 567 as described in Col. 12 Lines 9-29).

See the Office Action at pages 4-5. The Examiner relies for support on Figure 9 and col. 12, lines 6-8 of Proehl, which discloses the scrolling ticker region 566.

Initially, the Applicant points out that the scrolling ticker region of Proehl is generated at the TV receiver 12 and at the user location. More specifically, the "Home" screen functionalities 550, including the scrolling ticker region, illustrated in Figure 9 of Proehl are displayed only after the "HOME" key 308 has been pressed. In this regard, Proehl does not disclose or suggest at least the limitation of "generating, remotely from a user's home, an announcement," as recited by the Applicant in independent claim 1.

Furthermore with regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Proehl does not disclose or suggest at least the limitation of "wherein said announcement is displayed on said television screen without any input from said user," as recited by the Applicant in independent claim 1. As explained above, the "Home" screen functionalities 550, including the scrolling ticker region, illustrated in Figure 9 of Proehl are displayed only after the "HOME" key 308 has been pressed. In this regard, the scrolling ticker region is only displayed based on an input from the user. Therefore, the Applicant maintains that Proehl does not disclose or suggest at least the limitation of "wherein said announcement is displayed on said television screen without any input from said user," as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Proehl and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that

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independent claims 11 and 21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-10, 12-20, and 22-31

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, and 21 under 35 U.S.C. § 102(e) as being anticipated by Proehl has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-10, 12-20, and 22-31 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-31.

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CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-31 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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